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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SEVEN

In re EDUARDO T., a Person Coming
Under the Juvenile Court Law.

B234442

(Los Angeles County
Super. Ct. No. GJ24009)

THE PEOPLE,

Plaintiff and Respondent,

v.

EDUARDO T.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Robert Leventer, Juvenile Court Referee. Order reversed; civil judgment vacated.

Sarvenaz Bahar, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, James William Bilderback II, Sonya Roth and Timothy M. Weiner, Deputy Attorneys General, for Plaintiff and Respondent.

Eduardo T. appeals from the juvenile court's order converting a restitution award to a civil judgment. We reverse the order and vacate the civil judgment.

FACTUAL AND PROCEDURAL BACKGROUND

On August 14, 2006 the People filed a Welfare and Institutions Code section 602¹ petition alleging Eduardo had committed 14 acts of misdemeanor vandalism and had unlawfully possessed aerosol paint and graffiti tools. According to the petition, Eduardo was born in March 1989 and was 17 years old at the time of the offenses.

On September 25, 2006 Eduardo admitted three of the allegations of misdemeanor vandalism (counts 1 through 3) and agreed the court could consider the remaining counts in setting restitution. (See *People v. Harvey* (1979) 25 Cal.3d 754.) The court sustained the petition as to counts 1 through 3, dismissed the remaining counts, declared Eduardo a ward of the court and ordered him home on probation on certain terms and conditions, including that he pay restitution to the victims on all counts as determined by the probation department.

According to a report from the probation officer, the juvenile court set the amount of restitution as \$2,160.55.² Eduardo's first restitution payment was due on January 22, 2007.

After a series of progress/status reports, at a hearing on October 8, 2010 the juvenile court found Eduardo had an outstanding balance of \$1,545.53 remaining on the award. Because Eduardo was now 21 years old, the court ordered the balance converted to a civil judgment. However, the court stayed the judgment pending receipt of a probation report with a breakdown of the amount of restitution owed to each victim.

The probation department thereafter reported restitution was owed only to one victim, Susan Cheng, with an outstanding balance of \$1,535.10. On July 7, 2011 the

¹ Statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² The record on appeal does not include the restitution order or a reporter's transcript of any hearing at which the amount of restitution was set.

juvenile court stated it would lift the stay on the judgment and reduce the amount to \$1,535.10. Defense counsel objected, explaining, although the remaining unpaid amount of the restitution award was not disputed, the court's jurisdiction over Eduardo had terminated by operation of law when he turned 21 years old in March 2010. Accordingly, she argued, the court no longer had authority over Eduardo; and the October 8, 2010 order converting the restitution award to a civil judgment was "ineffectual." The court disagreed, modified the civil judgment to reflect the correct balance and ordered the stay lifted. It then terminated its jurisdiction over Eduardo. An "order for restitution and abstract of judgment" was filed on July 7, 2011 against Eduardo in favor of Cheng in the amount of \$1,535.10.

DISCUSSION

When a minor is declared a ward of the juvenile court, the minor becomes "subject to its continuing jurisdiction." (*In re Antoine D.* (2006) 137 Cal.App.4th 1314, 1320.) "[A]ny person who is under the age of 18 years when he or she violates any law of this state" is considered "within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court." (§ 602, subd. (a).) Except in circumstances not applicable here, however, the juvenile court has no jurisdiction over a ward after he or she turns 21 years old. (§ 607, subd. (a).) Thus, Eduardo is generally correct that the juvenile court lost jurisdiction in March 2010, months before the review hearing at which the court ordered the outstanding restitution balance converted to a civil judgment.

We need not explore the consequences of this jurisdictional defect, however, because the court's entry of a separate civil money judgment based on the earlier order was both unauthorized and unnecessary. (See *People v. Hart* (1998) 65 Cal.App.4th 902, 905-906, fn. 2.) Section 730.6 governs restitution in delinquency cases. Subdivision (l) of that section provides, "Any portion of a restitution order that remains unsatisfied after a minor is no longer on probation shall continue to be enforceable by a victim pursuant to subdivision (r) until the obligation is satisfied in full." Subdivision (r), in turn, provides

an unsatisfied restitution order “may be enforced in the manner provided in Section 1214 of the Penal Code.”

As material here, subdivision (b) of Penal Code section 1214 states, “In any case in which a defendant is ordered to pay restitution, the order to pay restitution (1) is deemed a money judgment if the defendant was informed of his or her right to have a judicial determination of the amount and was provided with a hearing, waived a hearing, or stipulated to the amount of the restitution ordered, and (2) shall be fully enforceable by a victim as if the restitution order were a civil judgment, and enforceable in the same manner as is provided for the enforcement of any other money judgment.” That section also specifically provides “any portion of a restitution order that remains unsatisfied after a defendant is no longer on probation or parole is enforceable by the victim pursuant to this section.” (*Ibid.*)

In short, a restitution order is, by statute, enforceable by the victim in the manner of a money judgment. But the governing statutes do not authorize the victim (or the People) to actually obtain a money judgment against an offender for the amount due. (See *People v. Hart*, *supra*, 65 Cal.App.4th at p. 906 & fn. 2.) As a corollary, the interest that accrues from the date of entry of a money judgment (see Code Civ. Proc., §§ 685.010, 685.020) is not recoverable when enforcing a restitution order. (*Hart*, at p. 906.) Accordingly, the money judgment entered against Eduardo must be vacated.

DISPOSITION

The juvenile court’s order converting its prior order requiring Eduardo to pay restitution is reversed, and the civil judgment is vacated. The victim retains the right to enforce the restitution order as if it were a civil judgment.

PERLUSS, P. J.

We concur:

WOODS, J.

ZELON, J.